

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FREDDY COLON RODRIGUEZ,

Plaintiff,

Docket No..

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTION, NEW YORK CITY BOARD OF
CORRECTION and THE CITY OF NEW YORK,

VERIFIED COMPLAINT

*JURY TRIAL
DEMANDED*

Plaintiff, appearing herein In Person Pro Se alleges as follows:

PARTIES

1. Plaintiff is a natural person currently residing at No. 918 Dumont Avenue, Brooklyn, New York 11207 within the County of Kings, City and State of New York.
2. Defendant THE CITY OF NEW YORK ('NYC') is a municipal corporation organized and existing as a political subdivision of the State of New York and defendants NEW YORK CITY DEPARTMENT OF CORRECTION ('DOC') and NEW YORK CITY BOARD OF CORRECTION ('BOC'), are duly constituted municipal departments and/or agencies organized and existing under and by virtue of the authority of THE CITY OF NEW YORK.

JURISDICTION

3. Jurisdiction in this court derives from the federal question asserted by this plaintiff in asserting as set forth hereinafter that the defendants while incarcerating plaintiff in one of the facilities owned by NYC and operated and supervised by the DOC and the BOC did subject and expose this plaintiff to dangerous conditions resulting in jeopardy of plaintiff's life and limb and in fact did result in serious, grave and permanent bodily, physical and mental injury and damage all in violation of plaintiff's civil and other rights afforded protection under federal law and the United States Constitution and its various amendments.

FACTS

4. On or about September 20th, 2004 while plaintiff was a prisoner inmate incarcerated in Rikers Island, Bronx, New York, plaintiff was assaulted by a fellow inmate who beat plaintiff about the head, body and limbs causing serious, severe and permanent injury including brain injury resulting in impairment of plaintiff's mental faculties of memory, speech, locomotion and use of legs and arms, which still exist and are believed to be permanent in nature.

5. The foregoing incident was the direct result of the defendants' failure and refusal to furnish a reasonably safe environment for plaintiff while he was incarcerated at Rikers Island, Bronx, New York in that plaintiff's attacker is believed to have had a history of mental impairment and/or mental/emotional problems which rendered him a danger to plaintiff in particular and to the general Rikers population with whom he was a permitted to associate on a continuing basis.

6. By reason of the foregoing, plaintiff was compelled and still is compelled to undergo protracted treatment for injuries and consequences flowing from the attack upon him.

7. By reason of the foregoing plaintiff was and is denied the protection afforded by federal law and the U. S. Constitution and its various amendments.

WHEREFORE, plaintiff demands judgment against the defendants as follows:

1: A money judgment in the sum of Five Million (\$5,000,000.00) Dollars, together with interest accrued thereon to date of judgment and the costs and disbursements of this action; and

2. Such further additional, further and different relief as to the Court may seem just and appropriate in the premises.

DATED: New York, N.Y.
September 17th, 2007

Yours, etc.



FREDDY COLON RODRIGUEZ
Plaintiff In Person Pro Se
918 Dumont Street
Brooklyn, New York
Tel. No. 347 663 5301

TO: LAW DEPARTMENT
Office of the Corporation Counsel
100 Church Street
New York, NY 10007-2601

NYC Department of Correction
60 Hudson Street, 6th Floor
New York, NY 10013

NYC Board of Correction
51 Chambers Street
New York, NY 10007

VERIFICATION


STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

FREDDY COLON RODRIGUEZ, being duly sworn, deposes and says: That he is the Plaintiff in the within action; that she has read the annexed Verified Complaint and that the contents thereof are true to his knowledge, except as to those matters therein stated to alleged upon information and belief, and as to those matters he believes same to be true and correct..



FREDDY COLON RODRIGUEZ.

Subscribed and sworn to before me
This 17th day of September, 2007.



Notary Public, State of New York

STUART J. YOUNG
Notary Public, State of New York
No. 02YO5074651
Qualified in Queens County
Commission Expires March 24, 2011

Dkt No. Year 2007
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FREDDY COLON RODRIGUEZ,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTION, NEW YORK CITY BOARD OF
CORRECTION and THE CITY OF NEW YORK,

Defendants.

VERIFIED COMPLAINT

Plaintiff's Attorney

Freddy Colon Rodriguez
918 Dumont Avenue
Brooklyn, New York 11207
Tel. (347) 663 5301

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated...September 17th, 2007

Signature.....

Print Signer's Name **Stuart Jay Young.....**

*Service of a copy of the within
Dated:*

is hereby admitted.

*.....
Attorney(s) for*

PLEASE TAKE NOTICE

Notice of [] *that the within is a (certified) true copy of an*
Entry *entered in the office of the clerk of the within named Court on*

Notice of [] *that an Order of which the within is a true copy will be presented for settlement to the*
Hon. *one of the judges of the within named Court*

*at
on*

, at M.

Dated...September 17TH, 2007

Attorney for

FREDDY COLON RODRIGUEZ
Plaintiff In Person Pro Se
918 Dumont Avenue
Brooklyn, NY 11207
Tel. 1(347) 663 5301

TO: . LAW DEPARTMENT
Office of the Corporation Counsel
100 Church Street
New York, NY 10007-2601

NYC Department of Correction
60 Hudson Street, 6th Floor
New York, NY 10013

NYC Board of Correction
51 Chambers Street
New York, NY 10007